

NATIONAL CANNERS ASSOCIATION INFORMATION LETTER

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HEARINGS ON AAA AMENDMENTS

Hearings on the companion bills (S. 1807 and H. R. 5585) to amend the Agricultural Adjustment Act are scheduled to begin next week before the House Committee on Agriculture. The National Canners Association is arranging to have witnesses appear at these hearings on behalf of fruit and vegetable canners.

EXECUTIVE SECRETARY FOR CODE AUTHORITY RESIGNS

Mr. E. G. Montgomery, who has served as executive secretary for the Canning Code Authority since the organization of its work last summer, has resigned to return to the National Recovery Administration as resident adviser with the Industrial Advisory Board. Mr. O. P. Hopkins, assistant to Mr. Montgomery, is now serving as acting executive secretary for the Code Authority.

DEPARTMENT ACTS ON CANNED DRY PEA LABELING

The U. S. Department of Agriculture has rescinded the regulation of May 25, 1932, covering the labeling of canned dry peas, and at the same time issued general instructions with respect to the labeling of this product. The Department has also given notice of a hearing on proposed standards of quality and condition and for fill of container for canned dry peas and for modification of the standard for canned peas under the McNary-Mapes amendment. The Food and Drug Administration has invited comment on the proposed standards, to be received not later than March 15.

The rescinding of the regulation covering the labeling of canned dry peas results from the decisions of Federal courts holding that canned dry peas are a different class of food from canned immature peas. As was noted in last week's Letter, the Supreme Court of the District of Columbia handed down a decision on this subject in line with an earlier decision of the Federal District Court of Indiana.

The notice being issued to packers and distributors of canned dry peas follows:

The Federal courts have decided that canned dry peas are a different class of food from canned immature peas, and that the standard of quality and condition for canned peas established under the McNary-Mapes amendment to the food and drugs act does not apply to canned dry peas. The regulation of May 25, 1932, covering the labeling of canned dry peas (paragraph 38(b), S. R. A., F. D. 4, Rev. 2) is therefore rescinded.

Since canned peas prepared from dry peas have been held to be an entirely different generic food product from canned peas prepared from immature peas, the Department regards as misbranded any canned peas prepared from dry peas which are not labeled in such a manner as to show clearly what they are. It also regards as misbranding any statement, design or device which might lead the purchaser to believe that the article is prepared from immature peas.

To differentiate canned dry peas clearly from canned immature peas the product must be labeled with the expression "dry peas." If desired, the expression may be qualified by some descriptive term, such as "soaked" or "cooked." The expression "dry peas" must be prominently displayed in letters of equal size and prominence, of the same color, and on a strongly contrasting, uniform-colored background. Further, the words must not be separated by intervening printed or pictorial matter and the expression must be so centered that the word "dry" will be as clearly seen as the word "peas." In addition, wherever the word "peas" appears on the label, it must be directly accompanied by the word "dry" in the manner and form above specified. No pictorial design or device indicating that the peas are immature should be used. If a pictorial design showing peas is used, the color of such peas must not be of a shade of green deeper than that of dry peas before soaking.

No objection will be made to the use of existing stocks of labels for canned dry peas provided such labels are in strict accordance with Item 389, or with paragraph 38(b) of the McNary-Mapes regulations. Item 389 follows:

389. Labeling Soaked Dry Peas and Lima Beans
(Issued February 14, 1923)

"It has been found that the wording employed on canned soaked dry peas has frequently created the impression that the peas were canned in the succulent state and that this impression has been furthered by the pictorial designs employed, such as a vignette showing a dish of green-colored, succulent-appearing peas. This product should be labeled 'soaked dry peas,' or with an equivalent expression, in type of equal size, on a uniform background, in order to differentiate it clearly from succulent peas. No pictorial design which would contribute to the impression that the product is canned succulent peas should be employed. Opinion 18, page 111, Service and Regulatory Announcements, Chemistry 3, and opinion 42, page 313, Service and Regulatory Announcements, Chemistry 5, are amended accordingly.

"This announcement is equally applicable to the labeling of canned soaked dry lima beans."

The proposed standards for canned dry peas and the pro-

posed revision for canned peas, upon which the notice of hearing is given, are as follows:

CANNED DRY PEAS

Proposed Standard of Quality and Condition

Standard canned dry peas are the normally flavored and normally colored canned food consisting of the thoroughly cooked, mature, unbroken seed of the common or garden pea (*Pisum sativum*), with or without seasoning (sugar, salt), and with added potable water. The product is practically free from foreign material.

Meaning of Terms

Canned dry peas are "normally colored" if not to exceed 4 per cent by count of off-colored peas, such as brown, brown-spotted, white, or yellowish-white peas, are present.

The pea seed is "thoroughly cooked" if 90 per cent or more by count are sufficiently soft so that either cotyledon is crushed by a weight of less than 997.2 grams (2 pounds) by the following method: Remove the skin of the pea and place one cotyledon on its flat surface on a horizontal, smooth plate. By means of a second horizontal, smooth plate, apply vertically an initial load of 100 grams and increase the load at a uniform, continuous rate of 12 grams per second until the cotyledon is compressed to one-fourth its original thickness.

The cooked dry pea seed is "unbroken" if 80 per cent or more of the units by count are in such a condition that the two cotyledons are still held together by the skin, even though the cotyledons may be cracked or partially crushed, or the skin split.

The product is practically free from foreign material if it is entirely free from stones and from other material any dimension of which is greater than twice the thickness of a pea, and if there is present per pound of net contents not more than one piece of non-stony material of smaller size.

Substandard Quality Designation

Canned dry peas which fail to meet the above standard shall bear the substandard statement in the form specified in paragraph 1. The first line shall be "Below U. S. Standard," and the explanatory statement shall be "Low Quality But Not Illegal."

Proposed Standard Requirement for Fill of Container

Added liquid is excessive in canned dry peas when the proportion of free liquid in the product is such that when the contents of the container are poured out and poured back into the container standing on a level surface, and the cooked dry peas leveled without downward pressure, the liquid completely covers the cooked dry peas after being allowed to stand for 15 seconds: Provided, That when the declared net weight is sufficient to fill the container to 90 per cent or more of its capacity, liquid in excess of such declared net weight shall be removed before making the test.

Substandard Fill Designation

Canned dry peas which fail to meet the above standard shall bear the substandard statement prescribed in paragraph 9.

CANNED PEAS*Proposed Revision of Standard Requirement for Fill of Container*

Added liquid is excessive in canned peas when the proportion of free liquid in the product is such that when the contents of the container are poured out and poured back into the container standing on a level surface, and the peas leveled without downward pressure, the liquid completely covers the peas after being allowed to stand for 15 seconds: Provided, That when the declared net weight is sufficient to fill the container to 90 per cent or more of its capacity, liquid in excess of such declared net weight shall be removed before making the test.

EXEMPTION UNDER ADMINISTRATIVE ORDER X-36 TERMINATED

Division Administrator Armin W. Riley, of the NRA, signed an order on February 18, effective immediately, approving termination of the exemption granted by Administrative Order X-36 as applied to the canning industry. This means that firms whose principal line of business is in some other industry but which also pack canned foods in excess of 6,000 cases will not be exempted from paying a proportionate share of the costs of administering the canning industry code. The order states:

Pursuant to authority vested in the National Industrial Recovery Board, it is hereby ordered that any exemption conferred by Paragraph III of Administrative Order X-36, dated May 26, 1934, upon any member of the canning industry whose principal line of business is in some other industry, be and it is hereby terminated as of the date of this order, so that such member is no longer exempted from paying his proportionate share of the costs of administering the Code of Fair Competition for the said canning industry; provided, however, that notwithstanding the termination of the exemption herein granted any member of the industry whose production for the calendar year upon which any assessment is based, is less than 6,000 cases of products of the industry shall not be required to pay any assessment on such production.

It shall be required, however, that any member of the industry coming under this exemption shall submit such information as will permit the Code Authority to determine that such member of the industry is properly classified as to his annual volume of production; provided further, that the amount hereinabove set forth may be changed upon application of the Code Authority and approval of the National Industrial Recovery Board.

FRUIT AND VEGETABLE MARKET COMPETITION

Shipments of fresh vegetables during the week ended February 16 were very much larger than those of the previous week, and in some instances larger than those of the corresponding week last year. Snap beans and green peas increased considerably during the week. Tomato shipments, although much larger than those of the previous week, continued well under the level of last year. Practically all the supplies of fresh tomatoes are coming from foreign sources, whereas a year ago the bulk of the supplies were coming from the domestic crop.

Spinach shipments, coming very largely from Texas, increased some over the previous week, but are still well under those of the corresponding week last year. Other vegetable shipments increased during the week but as yet have not reached the level of last year's shipments.

**Carlot Shipments as Reported by the Bureau of Agricultural Economics,
Department of Agriculture**

Commodity	Week ended Feb. 16		Week ended Feb. 9		Total for season through Feb. 16	
	1934	1935	1935	1934	1935	1935
Vegetables:						
Beans, snap and lima	310	496	157	5,325	2,396	
Tomatoes	419	211	148	2,704	2,357	
Green peas	71	204	83	970	804	
Spinach	356	248	213	3,980	2,702	
All other vegetables—						
Domestic—						
Competing directly . . .	4,688	3,934	3,159	60,237	58,110	
Competing indirectly . .	180	527	567	32,801	49,604	
Imports—						
Competing directly . . .	23	54	51	189	279	
Competing indirectly . .	29	49	46	169	767	
Fruits:						
Citrus, domestic	3,128	3,338	3,238	49,011	54,698	
Imports	2	2	2	452	68	
Others, domestic	188	330	164	14,452	17,332	
Index of fresh vegetable						
prices		80	86			
Index of canned vegetable						
prices		92	92			

CODE AUTHORITY ELECTIONS IN FOOD INDUSTRIES

The National Recovery Administration has announced recognition of the following as duly elected members of the code authorities for the pickle packing industry and the New England sardine canning industry.

Pickle Packing Industry—J. T. Menzies, Cross & Blackwell Co., Baltimore, Md., and Leon Glaser, Glaser-Crandall Co., Chicago, to succeed Philip Mathews, of the Heinz Co., Pittsburgh, and Chas. G. Scholorer, of Mrs. Scholorer's, Inc., Philadelphia, both resigned.

New England Sardine Canning Industry (division of the fishery industry)—A. C. Ramsdell, Ramsdell Packing Co., Portland, Me.; Frank A. Pike, Seaboard Packing Co., Portland, Me.; R. B. Stevens, Royal River Packing Corp., Yarmouth, Me.; Carroll B. Peacock, R. J. Peacock Canning Co., Lubec, Me.; and James Abernethy, Sunset Packing Co., Inc., West Pembroke, Me.

AUSTRALIA'S FRUIT PACK

It is yet somewhat early to supply reliable information as to Australia's 1935 pack of canned apricots, peaches and pears, as climatic conditions, if unfavorable, might seriously affect the present estimates of the output of peaches and pears. With

regard to apricots, of course much of the processing has already been done, and the figures are now fairly definite. The latest estimate of production for 1935 compares with actual production in the 1934 season as follows:

	1934	1935
	<i>Dozen tins</i>	<i>Dozen tins</i>
Apricots	458,031	350,000
Peaches	1,598,313	2,100,000
Pears	789,000	750,000
Total	2,855,034	3,200,000

Of the total pack estimated for 1935, it is likely that 1,600,000 dozen 30-ounce tins will be exported mainly to London.

There are practically no carry-over stocks of any varieties of canned fruits either in Australia or abroad, which is a very different position to that which existed at the beginning of 1934 when there was a large carry-over. However, during 1934 this was cleared, as well as the whole of the 1934 shipments.

CUBAN CANNED LOBSTER TRADE

A remunerative trade was developed about three years ago in the export shipment of canned lobsters from Cuba, according to the American consul at Havana. These lobsters are sent primarily to France, but because of the import quota policy of the French Government, the Cuban lobster trade to that country has been somewhat irregular. The press has recently carried reports to the effect that in exchange for the removal of the 30 per cent surcharge on knit wear duties the French Government would grant an annual quota to Cuba of 5,000 quintals (about 1,100,000 pounds) of canned lobster. The quota for Cuban lobster last year was experimentally fixed at 2,400 quintals (about 530,000 pounds). Cuba's total exports in 1934 were 10,631 cases, or 705,113 pounds.

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